

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MASSAGE GREEN INTERNATIONAL
FRANCHISE CORP.,

Petitioner,

v.

Misc. Case No. 23-12707

LADYNE BUNSEY, *et al.*,
Respondents.

Sean F. Cox
United States District Court Judge

/

MEMORANDUM OPINION & ORDER
REGARDING JUDGMENT TO BE ISSUED

Petitioner Massage Green International Franchise Corp. (“Massage Green”) initiated this Miscellaneous Action by filing a Petition and Motion to Confirm Arbitration Award (the “Petition and Motion”). Its Petition and Motion contained the following prayer for relief:

WHEREFORE, Petitioner respectfully requests that this Court confirm the Arbitration Award and enter judgment in its favor and against Respondents in conformity with the Arbitration Award, *plus interest until all sums are paid, attorneys' fees and costs associated with the collection and enforcement of this action pursuant to Section 18 of the Franchise Agreements* and the Arbitration Award, and all other relief deemed just and equitable.

(ECF No. 1 at PageID.6) (emphasis added).

This Court referred the Petition and Motion to Magistrate Judge Kimberly Altman. On June 27, 2023, Magistrate Judge Altman issued a “Report and Recommendation to Grant Petition and Motion To Confirm Arbitration Award” (ECF No. 15) (the “R&R”). Thereafter, this Court issued an order adopting the R&R over Respondents’ objections, granting the Petition and

Motion.

This Court's order included a footnote stating: "The Petition and Motion, and the R&R, state that the total amount of the award is \$248,336.49. (Petition at 1-2; R&R at 6). But if the undersigned's math is correct, the amounts listed in the Petition and Motion (\$230,862.58, \$6,203.91, \$2,900, and \$2,750) total \$242,716.49." (ECF No. 23 at 2 n.1). Out of an abundance of caution, the Court directed the parties to confer as to the form of the judgment to be issued – so that they could clarify the total amount of the actual award. This Court further ordered that, if they could not agree upon a proposed judgment, they could each file a proposed judgment along with a memorandum in support of it.

It is apparent that the parties now agree that the total amount of the actual award is \$242,716.49, as both parties submitted proposed judgments with that figure. Respondents, however, object to the judgment including language regarding costs "associated with the collection and enforcement of this action and judgment." (See ECF No. 26). As Petitioner notes, that language was expressly requested in the Petition and Motion, that was granted by this Court.

Having reviewed the parties' respective proposed judgments, and their memoranda in support of same, the Court concludes that a judgment that comports with the one submitted by Petitioner should be issued and the Court shall do so now.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: November 28, 2023

I hereby certify that a copy of the foregoing document was served upon counsel of record on

November 28, 2023, by electronic and/or ordinary mail.

s/Jennifer McCoy
Case Manager